

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action No. 3:18-cv-000535

PATRICK UDOEWA, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

ETTAIN GROUP, INC.,

Defendant.

**JOINT MOTION TO APPROVE NOTICE OF
COLLECTIVE ACTION SETTLEMENT**

Plaintiff Patrick Udoewa (“Plaintiff”) and Defendant ettain group, Inc. (“Defendant” or “Ettain”) (collectively, the “Parties”), by and through counsel, respectfully request that the Court enter an Order approving the Parties’ Notice of Collective Action Settlement. In support of this Motion, the Parties jointly state as follows:

1. Plaintiff previously filed an Unopposed Motion for Approval of Settlement of FLSA Collective Action (*see* Dkt. Entry 27) and Plaintiff’s Memorandum of Law in Support of Its Unopposed Motion for Approval of Settlement of FLSA Collective Action (the “Memorandum”) (*see* Dkt. Entry 26). With the Memorandum, Plaintiff submitted as an exhibit for approval by the Court, among others, a proposed Notice of Collective Action Settlement. *See* Dkt. Entry 26-3.

2. On October 8, 2019, the Court entered an Order approving the Settlement of FLSA Collective Action (“Approval Order”) and the Notice of Collective Action Settlement. *See* Dkt. Entry 28.

3. In working with the settlement administrator to facilitate the settlement of this matter pursuant to the Court's October 8, 2019 Approval Order, it has now recently come to the Parties' attention that Plaintiff's counsel inadvertently submitted for the Court's approval an older version of the Notice of Collective Action Settlement as Exhibit 3 to the Memorandum (*see* Dkt. Entry 26-3) and, therefore, the Notice of Collective Action Settlement previously submitted for approval by the Court did not include all of the Parties' agreed upon language.

4. Accordingly, the Parties now jointly and respectfully request that the Court enter an Order approving the correct, previously agreed-upon version of the Notice of Collective Action Settlement attached hereto as Exhibit A with this Joint Motion, as the best notice practicable under the circumstances.

5. The Parties jointly submit to this Court that this is the proper Notice of Collective Action Settlement to be distributed by the approved settlement claims administrator to facilitate settlement pursuant to the Court's Approval Order.

A proposed Order is attached hereto as Exhibit B.

This the 24th day of October 2019.

/s/ Philip J. Gibbons, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2019, I filed electronically the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 24th day of October 2018.

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